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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,871	08/28/2003	Hiroyuki Hagiwara	03500.014818.1	6363

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,871

Applicant(s)

HAGIWARA

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/668,375.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030828&20031210</u> . | 6) <input type="checkbox"/> Other: ____. |

Non-Final Rejection

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/668,375, filed on 09/25/2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Patterson (US 5,995,332).

Claim 5, Patterson shows an information recording and/or reading apparatus in Fig. 1, including: a base plate 57 having a notch 61A (Figs. 4A) therein, a support plate 44, a spindle motor 52 having an output shaft perpendicular to the base plate, the output shaft rotatably driving a disk; a head unit 46 (Column 4, line 21) supported on the support plate 44, and for determining a rotation position of a recording/reading head of the head unit about a rotary alignment axis (at the center of 49) parallel to the output shaft of the spindle motor; a vertical pivot shaft at the center of 49 extending parallel to the rotary alignment axis; and a pivot mechanism (actuator) for pivoting the support plate 44, on which the head unit 46 is supported,

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about the vertical shaft relative to the base plate, wherein at least a portion of the head unit 46 passes through the notch 61a (Figs. 4A and 4D).

3. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Plonczak (US 5,204,793)

Claim 5, Plonczak shows an information recording and/or reading apparatus in Fig. 6, including: a base plate 92 having a notch 93 (Column 11, lines 50-53) therein, a support plate 282 (Fig. 18), a spindle motor 102 (Fig. 10; column 13, line 10) having an output shaft perpendicular to the base plate, the output shaft rotatably driving a disk; a head unit 286 (Fig. 17, column 17, line 28) supported on the support plate 282, and for determining a rotation position of a recording/reading head of the head unit about a rotary alignment axis (at the center of 290) parallel to the output shaft of the spindle motor; a vertical pivot shaft 290 extending parallel to the rotary alignment axis; and a pivot mechanism (actuator) for pivoting the support plate 282, on which the head unit is supported, about the vertical shaft relative to the base plate, wherein at least a portion 283 of the support plate 282 passes through the notch 93 (Column 11, lines 40-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plonczak (US 5,204,793).

Claim 6, Plonczak shows an apparatus as described, further shows a telescoping driving mechanism for driving the spindle towards or away from the rotary alignment axis (Figs. 10 and 11; column 13, lines 51-66).

Plonczak does not specify a moving stage.

Plonczak named 102 as a spindle motor. However, it has pins 230 inside and grooves outside (Figs. 10 and 11). One of ordinary skill in the art would have been reasonably expect that the unit 102 actually is a spindle motor unit, which should have included a moving stage at outside and a moot inside.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guzik et al (US 6,242,910) in view of Okita et al (US 4,774,613).

Claim 5, Guzik et al shows an information recording and/or reading apparatus in Fig. 3A, including: a base plate 30 having, a support plate 14, a spindle motor having an output shaft at the center of 10 perpendicular to the base plate, the output shaft rotatably driving a disk 10; a head unit 12 supported on the support plate 14, and for determining a rotation position of a recording/reading head of the head unit about a rotary alignment axis at 25 parallel to the output shaft of the spindle motor; a vertical pivot shaft at 25 extending parallel to the rotary alignment axis; and a pivot mechanism (actuator) for pivoting the support plate 14, on which the head unit is supported, about the vertical shaft relative to the base plate.

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Guzik et al does not show the base plate has a notch and at least a portion of the support plate passes through the notch.

Okita et al shows in Figs 1 and 2 that a base plate 1 has a notch 22q (Fig. 1b) and at least a portion 23d of a support plate 23 passes through the notch 22q.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the notch taught by Okita into Guzik et al's device. The rationale is as follows: his device is to ensure high accuracy of positioning of the magnetic head over a magnetic disk (Column 3, lines 28-29). Okita teaches that the notch provide a zero track information (Column 10, lines 5-24), which would help in improve the accuracy of the positioning the head. One of ordinary skill in the art would have been motivated to add the notch to obtain higher accuracy.

Conclusion

6. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER